

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.MC.No. 306 of 2007()

PETITIONER: ACCUSED:

DEVASUNDARI,
TYPE II/10, TEACHERS QUARTERS,
COCHIN UNIVERSITY CAMPUS, KALAMASSERY.

BY ADV. SRI.C.D.JOHNY

RESPONDENTS: COMPLAINANT:

1. DR. P.ARUNACHALAM, AGED 43 YEARS,
S/O. LATE S.PICHAN, DEVANDRAN STREET, KALAKAD,
CHIDAMPARAPURAM VILLAGE, NANGUNERI TALUK,
THIRUNELVELI DIST.,PRESENTLY WORKING AS READER,
HEAD OF DEPARTMENT,DEPARTMENT OF APPLIED ECONOMICS
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY.

2. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB
R1 BY ADV. SMT.MEREENA JOSEPH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15/02/2007, A/W. CRMC 312 OF 2007, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NOs. 306 & 312 OF 2007

Dated this the 15th day of February, 2007

ORDER

The parties to these petitions are the spouses. Crl.M.C.No.312/07 is filed by the husband to quash a crime registered at the Kalamassery Police Station as Crime No.634/05 under Sec.498A of the IPC. The de facto complainant is his wife – the 1st respondent in that Crl.M.C.

2. Crl.M.C.No.306/07 is filed by the wife with a prayer that an F.I.R. registered in Crime No.613/06 of the same Police Station under Secs.324 and 427 of the IPC may also be quashed. The spouses submit that the acrimony between them has now been settled harmoniously and they have entered into an agreement copies of which are produced in both cases. They have decided to live separately after settling all their disputes.

3. The spouses are represented by their respective counsel. The learned counsel submit that the matter has been settled and the parties have entered into an agreement

CRL.M.C.NOs. 306 & 312 OF 2007 -: 2 :-

dated 21/12/2006 copies of which have been produced in both petitions. Inasmuch as the spouses have settled their disputes and they have reported such composition to this Court, it would be unnecessary to permit continuation of the steps in investigation in both the crimes which are registered as Crime Nos.634/05 (Crl.M.C.No.312/07) and 613/06 (Crl.M.C.No.306/07). All the offences, except the one punishable under Sec.498A of the IPC, are compoundable. Though the offence under Sec.498A of the IPC is not compoundable, the learned counsel place reliance on the decision in **B.S.Joshy v. State of Haryana** (AIR 2003 SC 1386) and contend that in view of the harmonious settlement of the dispute between the spouses, this is an eminently fit case where such extraordinary inherent powers can and ought to be invoked, notwithstanding the fact that the offence under Sec.498A of the IPC is not compoundable.

4. I am inclined to agree with the learned counsel for the petitioners. The learned Public Prosecutor does not raise any objection. In view of the harmonious settlement between the spouses, I am satisfied that further proceedings in these two

CRL.M.C.NOs. 306 & 312 OF 2007 -: 3 :-

F.I.Rs. can be quashed and they can be set aside.

5. In the result:

(i) These Crl.M.Cs. are allowed.

(ii) Crime Nos.613/06 and 634/05 both of the Kalamassery Police Station and all further steps taken in pursuance of the same are hereby quashed.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge